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**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:



Practitioners associated with the Customer Number:

05073

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

| Name | Registration Number | Name | Registration Number |
|------|---------------------|------|---------------------|
|      |                     |      |                     |
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as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:



The address associated with Customer Number:

05073

OR

|  |       |     |  |
|--|-------|-----|--|
| <input type="checkbox"/> Firm or Individual Name |       |     |  |
| Address  |       |     |  |
| City   | State | Zip |  |
| Country  |       |     |  |
| Telephone  | Email |     |  |

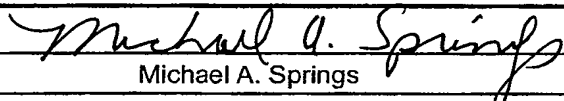
Assignee Name and Address:

Merrill Lynch & Co., Inc.  
4 World Financial Center  
New York, New York 10080

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

|           |   |           |              |
|-----------|---|-----------|--------------|
| Signature |  | Date      | 18 Aug. 2009 |
| Name      | Michael A. Springs  | Telephone |              |
| Title     | Assistant General Counsel   |           |              |

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: James R. Birle, Jr., et al.

Application No./Patent No.: 10/064,745 Filed/Issue Date: August 12, 2002

Entitled: Convertible Financial Instruments with Contingent Payments

Merrill Lynch & Co., Inc., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

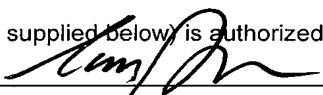
1. From: James R. Birle, Jr. To: Merrill Lynch & Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 013367, Frame 0586, or for which a copy thereof is attached.
2. From: Emerson Philip Jones To: Merrill Lynch & Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 018708, Frame 0418, or for which a copy thereof is attached.
3. From: David K. Dolan To: Merrill Lynch & Co., Inc.  
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☒ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

|   |                           |
|---|---------------------------|
|  | <u>September 22, 2009</u> |
| Signature   | Date                      |
| <u>Samir A. Bhavsar</u>   | <u>214.953.6581</u>       |
| Printed or Typed Name   | Telephone Number          |
| <u>Attorney of Record for Merrill Lynch &amp; Co., Inc.</u>                         |                           |
| Title   |                           |

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**

**Chain of Title Supplemental Sheet**

4. From: **Jeffrey N. Edwards** To: **Merrill Lynch & Co., Inc.**  
The document was recorded in the United States Patent and Trademark Office at Reel **013367**, Frame **0651**, or for which a copy thereof is attached.
5. From: **Stuart C. Kaperst** To: **Merrill Lynch & Co., Inc.**  
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6. From: **Daniel Y. Kerstein** To: **Merrill Lynch & Co., Inc.**  
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7. From: **Dragomir K. Kolev** To: **Merrill Lynch & Co., Inc.**  
The document was recorded in the United States Patent and Trademark Office at Reel **013367**, Frame **0853**, or for which a copy thereof is attached.
8. From: **Thomas H. Patrick, Jr.** To: **Merrill Lynch & Co., Inc.**  
The document was recorded in the United States Patent and Trademark Office at Reel **013367**, Frame **0945**, or for which a copy thereof is attached.
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10. From: **Eric Steifman** To: **Merrill Lynch & Co., Inc.**  
The document was recorded in the United States Patent and Trademark Office at Reel **013368**, Frame **0087**, or for which a copy thereof is attached.
11. From: **Brennan J. Warble** To: **Merrill Lynch & Co., Inc.**  
The document was recorded in the United States Patent and Trademark Office at Reel **013368**, Frame **0103**, or for which a copy thereof is attached.
12. From: **Robert A. Rudnick** To: **Merrill Lynch & Co., Inc.**  
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13. From: **Frank R. Strong** To: **Merrill Lynch & Co., Inc.**  
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14. From: **Todd K. Kaplan** To: **Merrill Lynch & Co., Inc.**  
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**STATEMENT UNDER 37 CFR 3.73(b)**

**Chain of Title Supplemental Sheet (con't)**

15. From: **Richard P. Luciano** To: **Merrill Lynch & Co., Inc.**  
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The document was recorded in the United States Patent and Trademark Office at  
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18. From: **Frederick J. Fiddle** To: **Merrill Lynch & Co., Inc.**  
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19. From: **Paul A. Pepe** To: **Merrill Lynch & Co., Inc.**  
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